

MONTANA LEGISLATIVE HISTORY

Chapter 34 19 61

Bill H 272 S _____ Original bill & history C

H. Committee on Public Health Welfare &

Hearing Date(s) Jan 24 ☒ C ^{Set}

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_____ C

Date Out _____ C

S. Committee on Public Health Welfare &

Hearing Date(s) Feb 07 ☒ C ^{Set}

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Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

1-24-61

The committee on Public Health, Welfare, and Safety met in the Law Library, January 26, 1961, to consider House Bill 272, the Montana Dentist's Act. The meeting was called to order by the Chairman who announced that proponents would be given twenty minutes in which to state their case; to opponents, thirty minutes; and then the proponents would have ten minutes in which to close.

Testifying as proponents for the bill were: Dr. D. A. Nottingham, Montana State Dental Association; Edwin Kralicek, Dental Laboratory Association of Montana; E. A. Kuntz, O.D., Public Health League of Montana, & Montana Optometric Association. Also appearing in behalf of this bill was Representative Blewitt, Cascade County, sponsor of the bill. There were approximately twenty other proponents present. Russ Hegland, Exec., Sec., Montana Dental Association, also appeared. Opponents were represented by Mrs. Kenneth F. Orton of the Orton Dental Laboratories, Great Falls. Also present was Kenneth F. Orton and one other person.

The provisions and changes in this bill were explained by Dr. Nottingham. Mr. Edwin Kralicek of the State Dental Laboratory Association reported that this association was for this bill. It was noted that there are approximately twenty laboratories in the state, of which about twelve belong to this association.

Dr. Kuntz, who represented the Public Health League of Montana, stated that this group favors House Bill 272.

Alex Blewett, Jr., author and sponsor of the bill and member of the House of Representatives cited some of the difficulties that have arisen in the state which this bill would correct. He pointed out that this bill did not intend to work prejudice or hardship on dental laboratories or technicians. The act is designed to protect the public from unlicensed practice of dentistry.

Mrs. Kenneth F. Orton, speaking for opponents, stated she felt this was much the same as when medical doctors send a prescription to a druggist and the patient has to choose which druggist should fill the prescription. She felt the person receiving dental care should be given a choice as to which dental laboratory does the required dental work. She stated that many people are of the impression that the dentists themselves do their own work. She also stated that the laboratories should not be subject to produce all of their records for inspection--that certain cases in question could be checked, but she felt it was not right to go through their entire records. She felt the laboratories should be given the choice of advertising, stating that so much of the dental work is sent out of the state and if people knew it could be done in Montana, they would request that it be done here. It was pointed out that sometimes the work was cheaper when sent out of the state and perhaps this was the reason this was done.

Mrs. Orton stated that the laboratories were completely at the mercy of the ~~dentists~~ for their business and that it was possible under the present bill for a laboratory to be discriminated against if dentists choose to do so.

The qualifications ~~for~~ belong to the state laboratory association for dentists was discussed. It was noted that this organization is a young organization and is just really getting organized in the state; however, it is part of a national organization. The only qualification to belong to this organization is to be a qualified dental laboratory. The Orton Laboratory does not belong to this organization. Mrs. Orton stated that she felt there would be more opponents to this bill if the laboratories were not completely at the mercy of the dentists for their work, but that they do not dare oppose the dentists.

When asked if the Orton Laboratory dealt directly with the public, Mrs. Orton answered "No" that all work was on referral from dentists. She again objected to inspection by a Board of Examiners.

It was brought out that there is not state examination to become a laboratory technician. There are some training schools available for study and an apprenticeship is necessary. In many cases much of the required training is acquired in the dental offices. Anyone who wants to call himself a dental technician may do so without examination by the state. The laboratories are responsible to the dentists and the dentists are responsible to the public. When asked what percentage of the work done in Orton Laboratories is not authorized, Mrs. Orton stated "none at all--it all has to be authorized by dentists."

Mrs. Orton again asked for the right to advertise--to let people know "there is a dental laboratory in existence and that we solicit their business." It was noted that if the laboratories did not deal directly with the public it would not seem reasonable for them to advertise.

Also noted was the fact that in Great Falls there are four dental laboratories and that two were represented as opposing House Bill 272.

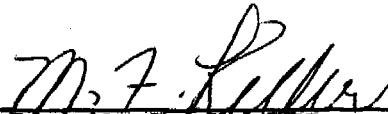
The proponents were then given ten minutes in which to close. They again brought out the need for this legislation in order to protect the public from the unlicensed practice of dentistry. Any laboratory which is operating within the law has nothing to fear from this law. Dr. Henry Lorenz of Great Falls stated that there have been cases in his city where persons have gone directly to the laboratory and have received what the dentists considered "dental care," and have paid for it at the laboratory. It was also brought out that about fifteen states have similar bills before their legislatures at this time. Disease is one concern of the dentists and laboratories have no way of detecting such things as cancer which dentists study for years to detect and then sometimes it is hard to detect.

Proponents and Opponents were then excused from the meeting.

Mr. Blewett, Representative, stated he could produce evidence on cases where persons have gone directly to laboratories to have dental care.

After some further discussion, it was moved by Mr. Bradford that House Bill 272 do pass. This motion was seconded by Mr. Healy and carried. It was noted that the bill would have to be amended in the title to add the words "TO INCLUDE A SEPARABILITY CLAUSE."

The meeting adjourned.


DR. M. F. KELLER

THE
MONTANA OPTOMETRIC ASSOCIATION
OFFICE OF SECRETARY-TREASURER

January 23, 1961

TO WHOM IT MAY CONCERN:

This is to certify that Dr. E. A. Kuntz has been authorized by the Montana Optometric Association in a meeting assembled at Boulder, Montana on January 21st, 1961, to assist the Montana Dental Association in urging the State Legislature to pass the dental bill.

M. P. Duluth, O.D.

President
Montana Optometric Association

NH-E.

SENATE COMMITTEE ON
PUBLIC HEALTH & WELFARE

February 7, 1961

Meeting of this committee was called to order on February 6, 1961 in Room 423 upon adjournment. Roll call was taken and a quorum was present.

Chairman Reardon first placed SB 159 before the committee, calling upon Sen. Morrow to explain the changes made in the substitute bill. It was found that this bill again referred to "cities under 1,000" and this would have to be changed, so Sen. Morrow is to have Substitute Senate Bill rewritten.

House Bill 152 was then considered. Mr. Russ Heglund, Executive Director of the Montana Medical Assn. appeared as a proponent of the bill and explained it to the committee.

House Bill 272 was next explained to the committee by Mr. Russ Hegland as Executive Secretary of the Montana State Dental Assn. He was thanked by the Chairman and excused.

Sen. Morrow moved that HB 272 Be Concurred In. Sen. Cashmore seconded the motion. Motion carried.

Sen. O'Neill then moved that HB 152 Be Concurred In. Sen. Thiessen seconded the motion. Motion carried.

Sen. O'Neill advised Chairman Reardon that he would bring SB 41 to the committee meeting on Wednesday, February 8th, and explain what had been done on it.

There being no further business, it was duly moved and seconded that the committee adjourn. Committee adjourned at 4:45 P.M.


REARDON Chairman

above provided, to (before doing any of the work mentioned in this act) require any public service corporation, or company, firm, or person occupying such streets, avenues, or alleys, at their own expense and within a reasonable time to be fixed by the council, place in an underground conduit in such manner as may be directed by the city council, all wires, electric conduits, telephone, telegraph, power, or power transmission lines, or appurtenances thereto, or appliances owned, held, or enjoyed in connection therewith; provided, however, that the whole cost so assessed shall at no time exceed the sum of one dollar and fifty cents per lineal foot, plus the cost of the pipe so laid of the entire length of the water mains laid in such district."

Approved February 16, 1961.

CHAPTER 33

An Act to Amend Section 59-510, Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 22, Laws of 1951, as Amended by Section 1, Chapter 253, Laws of Montana, 1957, by Providing that All Full Time Salaried County and City Employees Shall Work a Minimum of Forty (40) Hours Per Week.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 59-510, Revised Codes of Montana, 1947, be and the same is hereby amended to read as follows:

Hours of business—
public offices.

"59-510. (453) **Office and employee hours.** Unless otherwise provided by law every officer must keep his office open for the transaction of business continuously from eight o'clock A.M. until five o'clock P.M. each day except Saturdays and legal holidays. *All full time salaried county and city employees shall work a minimum of forty (40) hours per week.* Every officer shall keep his office open at such other times as the accommodation of the public or the proper transaction of business requires, excepting the state treasurer and county and city treasurers, who, in their discretion, may, in the interest of the safe-keeping of funds, securities and records under their control, close their offices during the period from twelve o'clock noon to one o'clock P.M. every day.

Minimum 40-hour
week for county
and city employees.

Approved February 23, 1961.

CHAPTER 34

An Act to Amend Sections 66-905, 66-906, 66-910, 66-911, and 66-917 of the Revised Codes of Montana of 1947, the Same Being Sections of the Montana Dentistry Regulation Act; to Authorize the State Board of Dental Examiners to Recognize Certificates Granted by the National Board of Dental Examiners in Lieu of or Subject to Examination; to Provide for Increasing Certain Fees Payable Under the Provisions of Said Act, and Providing Penalties for Late Payment of Fees; to Require Making and Preserving Work Authorizations for the Construction, Making, Altering or Repairing of Bridges, Crowns, Dentures, or Other Prosthetic Appliances or Surgical Appliances or Orthodontic Appliances by Person Other Than Licensed Dentists; to Limit Advertising by Persons Other Than Licensed Dentists Employed or Engaged in Constructing, Making, Altering or Repairing of Bridges, Crowns, Dentures, or Other Prosthetic Appliances or Surgical Appliances or Orthodontic Appliances; to Provide for Injunction Suits to Enjoin Violations of the Montana Dentistry Regulation Act; to Limit the Publication of Professional Cards and Other Advertising by Dentists; to Include a Severability Clause; and to Repeal All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 66-905 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"66-905. (3115.5) **Dentistry examinations — Application — Contents — Fees — Undergraduate examination — Regulations for examination — Notice — Scope of examination — Dentist certificates — Fee — Form — Retention and inspection of examination papers.**

(1) Any person desiring to commence the practice of dentistry in the State of Montana after this act takes effect, shall file in his or her full name, an application for examination, with the secretary-treasurer of the state board of dental examiners at least twenty (20) days before the date set by the board for the commencement of such examination, and at the time of making such application the applicant shall (a) pay to the secretary-treas-

Application
and fee for
examination to
practice dentistry.

urer of the board a fee of twenty-five dollars (\$25.00), (b) shall furnish the board with at least three (3) satisfactory affidavits of good moral character, (c) shall present to said board his or her diploma or satisfactory evidence of having graduated from a recognized dental school or college, which must have been approved by said board, and (d) shall furnish the board a recent photograph of the applicant.

Student
examination—
fee.

“(2) The board may, in its discretion, permit any dental student who shall have successfully completed his or her junior year in a recognized dental school, and who files proof satisfactory to the board that he or she has the preliminary education in this section described, to take written examination in such subjects as he or she has completed, and all satisfactory grades there secured shall be credited upon the final examination of such student. The board shall require a fee of twenty-five dollars (\$25.00) for such examination, which fee shall apply on the final examination to be taken by such applicant.

Board to adopt
rules governing
examination.

“(3) The board shall adopt a uniform code of rules and regulations within the limitations of this act, governing the matter of examinations for license to practice dentistry in the State of Montana, which examinations shall be open to any applicant meeting the requirements of this act, and shall also provide in such code for giving reasonable notice of the time and place where examinations shall be held.

Nature of
examination.

“(4) The examination hereinabove referred to shall be practical in character and sufficiently thorough to test the fitness of the applicant to practice dentistry. It shall include, written in the English language, questions on any or all of the following subjects: Anatomy, histology, physiology, chemistry, materia medica and therapeutics, metallurgy, pathology, bacteriology, anesthesia, operative and surgical dentistry, prosthetic dentistry, prophylaxis, and orthodontia, and any additional subjects pertaining to dental service. Said written examination may be supplemented by oral examinations. Demonstrations of the applicant's skill in operative and prosthetic dentistry shall also be required. Said examination shall be conducted under oath or affirmation before said board, and any member of said board is empowered to administer the necessary oath or affirmation. *The state board of dental*

examiners may recognize a certificate granted by the national board of dental examiners in lieu of or subject to such examinations as the state board may require.

Board may
recognize
certificate of
national board.

“(5) All persons successfully passing such examination shall be registered as licensed dentists in the board register; as hereinabove provided and, upon payment of an additional twenty-five dollars (\$25.00) shall receive a certificate signed by the president and secretary of said board, in substantially the following form, to-wit:

Certificate
to practice.

License fee.

“This is to certify that _____ is hereby licensed to practice dentistry in the State of Montana. This certificate must be filed for registration in the office of the county clerk of any county in which the dentist holding such certificate desires to practice, and it is unlawful for him or her to practice dentistry in any county in which said certificate is not filed for registration.

Form.

Dated at _____, this _____ day of _____, 19_____.”

“Examination papers of any applicant shall be retained two (2) years by the secretary-treasurer of the board and may then be destroyed, and while so retained shall be open to inspection only by board members, the applicant himself, or by some person appointed by such applicant to examine same, or by a court of competent jurisdiction in a proceeding where the question of the contents of such paper or papers is properly involved.

Retention and
inspection of
examination
papers.

“(6) No person shall be qualified to be licensed to practice dentistry in this state or to have issued to him or her a certificate to practice dentistry in this state who is not a citizen of the United States of America.”

Citizenship
required.

Section 2. That section 66-906 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amending clause.

“66-906. (3115.6) **Certificate to be registered in counties where practicing — Replacing lost certificates — Second examination on failure — Admission of dentists from other states — Reciprocity — Annual license fee — Reduction allowed, when — Inactive fee — Due date of annual fee — Revocation of license for failure to pay.**

(1) The certificate in this act provided for shall entitle

Certificate to be
filed in office of
county clerk
and recorder.

Duplicate
certificate.

Fee.

Reciprocal
certificates—
requirements.

Fee—
examination.

the holder thereof to practice dentistry in any county in the State of Montana, provided such certificate shall first be filed for registration and registered in the office of the county recorder of the county in which such holder desires to practice, and nothing herein contained shall be construed to permit any holder of any certificate to practice in any county in this state unless such certificate shall have been first registered in the office of the recorder of such county as herein provided; provided further that any such holder of a certificate may practice in more than one or in any number of counties in this state on having such certificate registered in each of such counties in which such holder desires to practice. Said board of dental examiners shall, upon satisfactory proof of the loss of any such certificate issued under the provisions of this act, issue a duplicate certificate in place thereof, and a fee of *five dollars (\$5.00)* shall be charged for issuing such certificate. Any person failing to pass his first examination before such board, may demand a second examination at any subsequent meeting of said board held for the purpose of examining candidates, and no fee shall be charged for any subsequent examination.

“(2) Any dentist who has been (1) lawfully licensed to practice in another state or territory which has and maintains a standard for the practice of dentistry or dental surgery which in the opinion of the board is equal to that at the time maintained in this state, and (2) who is a graduate of an accredited four year high school or has actual scholastic credits equivalent to a four year high school course and (3) who is a graduate of a recognized dental school or college, and (4) who has been lawfully and continuously engaged in the practice of dentistry for five years or more immediately before filing his application to practice in this state and (5) who shall deposit in person with the secretary-treasurer of the board a duly attested certificate from the examining board of the state or territory in which he is registered and/or licensed, certifying to the fact of his registration and license and of his being a person of good moral character and of professional attainments, may, (6) upon the payment of a fee of fifty dollars (\$50.00) and (7) after satisfactory practical examination demonstrating his proficiency, be granted a license to practice dentistry in this state, without being required to take an examination in theory. Provided, however, that

no license shall be issued without an examination in theory to any such applicant, unless the state or territory from which such certificate has been granted to such applicant shall have extended a like privilege to engage in the practice of dentistry within its own borders to dentists heretofore and hereafter licensed by this state, and removing to such other states; and provided, further, that the state board of dental examiners of the State of Montana shall have power to enter into reciprocal relations with similar boards of other states whose laws are practically identical with the provisions of this act.

“(3) In addition to the license fee required of applicants every licensed dentist practicing within the State of Montana shall pay in each and every year to the secretary-treasurer of the board, the sum of *seven dollars (\$7.00)*, as a license fee for such year, provided, however, that the board shall have the power to reduce the annual license fee of *seven dollars (\$7.00)* to the sum of one dollar (\$1.00) or more (but not in excess of *seven dollars (\$7.00)* per year when the amount of the balance of cash in the hands of the secretary-treasurer reaches the sum of *eight thousand dollars (\$8,000.00)*, it being the intent of this act that said fund shall be maintained at an approximate level of *eight thousand dollars (\$8,000.00)*. Notice of such change in the amount of dues shall be given to each dentist registered in the state by the secretary-treasurer. *In the event the payment of the annual license fee is not made prior to the first day of May by either practicing dentists or dentists not engaged in the active practice within the State of Montana, an additional penalty of three dollars (\$3.00) shall be charged for late payment which shall be in addition to any other fee requirements of this section.*

“(4) In the event any registered dentist absents himself from the state for a period of one or more years, or does not engage in active practice within the State of Montana, he may continue his license in good standing by the payment of *five dollars (\$5.00)* each year, or at the discretion of the board, he may be reinstated upon the payment of a fee of *five dollars (\$5.00)* for each year's absence. Such annual payments shall be made prior to May first in each and every year, and receipt or certificate therefore shall be issued by the secretary-treasurer of the board. In case of default in payment of annual license

Annual
license fee.

Maximum fund.

Penalty for late
payment.

Continuation
of license.

Fee.

Reinstatement fee.

Revocation for
non-payment.

Notice.

fee by any dentist, his license shall be revoked by the board upon thirty days' notice given to the delinquent of the time and place of considering such revocation. A registered letter addressed to the last known address of the party failing to comply with this requirement, as such address appears upon the records of the board, shall constitute sufficient notice of revocation of license, but no license shall be revoked for such nonpayment if the dentist so notified shall pay such license fee *plus the late payment penalty of three dollars (\$3.00)* before or at the time fixed for consideration of revocation together with *an additional delinquency penalty of five dollars (\$5.00)*; provided further that said board may collect any such dues by law."

Amending clause.

Section 3. That section 66-910 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Practice of
dentistry defined.

"66-910. (3115.10) **Practice of dentistry defined—Persons conducting business through licensed dentist—Exceptions.** Any person shall be deemed to be practicing dentistry within the meaning of this act who performs, or attempts, or advertises to perform, or causes to be performed by the patient or any other person, or instructs in the performance of, any dental operations or oral surgery or dental service of any kind gratuitously or for a salary, fee, money, or other remuneration paid, or to be paid, directly or indirectly, to himself or to any other person or agency; or who is a manager, proprietor, operator, or conductor of a place where dental operations, oral surgery, or dental services are performed; or who directly or indirectly, by any means or method, furnishes, supplies, constructs, reproduces or repairs any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth; or who places such appliance or structure in the human mouth or attempts to adjust the same; or who advertises to the public, by any method, to furnish, supply, construct, reproduce, or repair any prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth; or who diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats, or professes to treat disease, pain, deformity, deficiency, injury, or physical condition of human teeth or jaws, or adjacent structure; or who extracts or attempts to extract human teeth, or corrects or attempts or professes to cor-

rect malpositions of teeth or of the jaw; or who gives, or professes to give interpretations or readings of dental roentgenograms; or who administers an anesthetic of any nature in connection with a dental operation; or who uses the words 'dentist,' 'dental surgeon,' 'oral surgeon,' the letters 'D.D.S.,' 'D.M.D.,' or any other words, letters, title, or descriptive matter which in any way represent him as being able to diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury or physical condition of human teeth or jaws, or adjacent structures; or who states, or advertises or permits to be stated or advertised, by sign, card, circular, handbill, newspaper, radio, or otherwise, that he can perform or will attempt to perform dental operations or render a diagnosis in connection therewith or who engages in any of the practices included in the curricula of recognized dental colleges. Provided, however, that a dental laboratory or dental technician shall not be deemed to be practicing dentistry within the meaning of this act when engaged in the construction, making, alteration or repairing of bridges, crowns, dentures, or other prosthetic appliances or surgical appliances or orthodontic appliances if the casts or models or impressions upon which such work is constructed shall have been made by a regularly licensed and practicing dentist and all such crowns, bridges, dentures or prosthetic appliances or surgical appliances or orthodontic appliances shall be returned to the dentist upon whose order the work was constructed. *Any licensed dentist who employs or engages the services of any person, firm, or corporation to construct, reproduce, make, alter or repair bridges, crowns, dentures, or other prosthetic appliances or surgical appliances or orthodontic appliances, shall furnish such person, firm or corporation with a written work authorization on forms prescribed by the state board of dental examiners, which shall contain (a) the name and address of the person, firm or corporation to which the work authorization is directed, (b) the patient's name or identification number, but in case only a number is used the patient's name shall be written upon the duplicate copy of the work authorization retained by the dentist, (c) the date on which the work authorization was written, (d) a description of the work to be done, including diagrams, if necessary, (e) a specification of the type and quality of the materials to be used, (f) the signature of the dentist and the number of his license*

Excepted—
dental laboratories
and dental
technicians.

Licensed dentist to
furnish written
work authorization.

to practice dentistry. The person, firm or corporation receiving a work authorization from a licensed dentist shall retain the original work authorization and the dentist shall retain the duplicate copy thereof for inspection at any reasonable time by the state board of dental examiners or its authorized agents for a period of two (2) years from date of issuance.

"Nothing in this act contained applies to a legally qualified physician or surgeon or to a dental surgeon of the United States army, navy, public health service, or veterans' bureau, or to a legal practitioner of another state making a clinical demonstration before a dental society, convention or association of dentists, or to a legally qualified dental hygienist in the performance of his or her duties as provided by law.

Advertising or
soliciting
forbidden.

"No person, firm or corporation engaged in the business of constructing, altering or repairing bridges, crowns, dentures or other prosthetic appliances or surgical appliances or orthodontic appliances shall advertise such services, technique or materials to the general public by means of advertisements in public newspapers, magazines or by radio or television display advertisements or by any other means excepting advertisements in professional or trade papers, trade journals, trade directories, trade periodicals, trade magazines and listings in business and telephone directories limited to name, address and telephone number, which shall not occupy more than the number of lines necessary to disclose such information, nor shall any person, firm or corporation so engaged in any way directly solicit the patronage of the general public."

Amending clause.

Section 4. That section 66-911 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Duty of county
attorney to
enforce.

"66-911. (3115.11) **Duty of county attorney to enforce act — Attorney general's duty on appeal — Jurisdiction of justice courts — Injunction.** It shall be the duty of the county attorney of each county wherein an offense is alleged to have occurred, to attend to the prosecution of all complaints made under this act, both upon trial in the justice court where the complaint may be made, and also upon hearing in the district court, either upon such complaint, or upon information or indictment filed against

any person under this act in the district court; provided, nothing in this act shall be construed to prevent the prosecution of any person for violation of this act upon the information of the county attorney directly. The attorney general of the state shall appear in the supreme court and attend to the prosecution of all criminal cases arising under this act, which may be appealed to said court, or taken to said court by any appellate process or procedure for review. Justice courts shall have original concurrent jurisdiction in accordance with law of all misdemeanors committed in violation of the provisions of this act. *If any person, firm or corporation engages in the practice of dentistry without possessing a valid license so to do or violates any of the provisions of this act, the attorney general, any county attorney or the state board of dental examiners may maintain an action in the name of and in behalf of the State of Montana to enjoin such person, firm or corporation from engaging in the practice of dentistry or otherwise violating the provisions of this act. The injunction shall not relieve from criminal prosecution but the remedy by injunction shall be in addition to the liability of the offender to criminal prosecution.*"

Duty of
attorney general

Action in name
of state for
injunction.

Section 5. That section 66-917 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"66-917. (3115.17) **Publishing professional cards not unprofessional conduct, when.** It shall not be considered unprofessional for a dentist to place in any newspaper or publication, subject to the limitations stated hereafter, a card bearing his name only, together with his or her degree, or the word 'dentist,' and giving office location, hours and telephone numbers and if he limits his practice to a specialty he may so announce it, or he may announce his absence from, or his return to, practice in the same manner. Such professional card or announcement shall not be run in any newspaper or publication in excess of five (5) issues following the opening of his office by a newly licensed dentist, or following the change of location of a dentist's office, or after limiting his practice to a specialty, or after the absenting of a dentist from his practice, or following his return to the practice of dentistry. The publishing of professional cards or announcements in violation of these limitations shall be considered unprofessional.

Limitations on
professional
advertising.

Such card or announcement shall not be more than one column in width, or more than three inches in depth."

Severability clause.

Section 6. **Severability clause.** If any section, subdivision or sentence of this act shall be determined by a court of competent jurisdiction to be unconstitutional or inoperative, it shall not affect the remaining portions of this act.

Repealing clause.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 16, 1961.

CHAPTER 35

An Act to Permit Any School Board Within the State of Montana to Accept Such Authority as May be Granted to it by Any Tribal Council of an Indian Tribe Within the State of Montana to Enforce Montana School Laws Upon Any Indian Reservation Within the State of Montana Otherwise Subject to the Laws and Regulations of Said Tribal Council; Providing for the Enforcement of Compulsory School Attendance Laws When Permitted by Said Tribal Council; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Power of state officers to accept authority granted by tribal council regarding education of Indian children.

Section 1. It is the intent of the provisions of this act to permit any school board or any other duly qualified officer in the State of Montana to accept any authority which may be granted by the tribal council of any Indian tribe to any such officer or school board relating to matters of compulsory education of children or any other matter which would be governed by the laws of the State of Montana relating generally to the education of children residing within a school district of the State of Montana were it not for the authority of such tribal council or Indian tribe, within the territorial limits of the State of Montana, as such authority may have been reserved to said Indian tribe or tribal council under the laws of the United States of America and its treaties with such Indian tribe.

Section 2. Any school board of the State of Montana

is hereby authorized to accept any authority granted to it by the tribal council or other governing body of any Indian reservation in the State of Montana and to enforce all laws of the State of Montana which would be applicable in connection with the education of any Indian child residing within the State of Montana were it not for the fact of the existence of said Indian reservation and the powers reserved to the tribal council or other governing body of said Indian tribe under the laws or treaties of the United States of America and said Indian tribe.

Power of school board to accept authority granted by tribal council.

Section 3. It shall be and hereby is made the duty of any officer otherwise charged with the enforcement of laws pertaining to the compulsory education of children residing within the State of Montana to enforce such duties as may be given by the Indian tribe and accepted by the school board of any school district within the State of Montana pursuant to the provisions of this act.

Duty to enforce compulsory education.

Section 4. Unless otherwise prohibited by the laws or treaties affecting any Indian tribe, children of whom reside within any school district of the State of Montana, it shall be the duty of the school board of any school district within the State of Montana where said child resides to require the same attendance at school of Indian children as is required of any other child or children residing within the territorial limits of said school district.

Duty to require school attendance.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 16, 1961.

CHAPTER 36

An Act to Amend Section 11-3215, Revised Codes of Montana, 1947, Relating to Nomination of Candidates at Primary Elections Held Under the Commission-Manager Form of Municipal Government, by Providing for the Dispensing of a Primary Election for the Nomination of Candidates for the Office of Commissioner in Such Municipalities When the Number of Candidates Legally Qualified for the Office of Commissioner at Such Primary Election Does Not Exceed Twice the Number of Vacancies in the Commission to be Filled;